

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Criminal No.
03 ~~64~~-CR-64 (NAM)

v.

**RAFIL DHAFIR,
et al.,**

Defendants.

ORDER

This matter having come before the Court pursuant to an application under Title 18, United States Code, Section 3771(d)(2), by Assistant U.S. Attorney Michael C. Olmsted, an attorney for the Government, which application requests an Order asking the Court designate this matter as a "multiple crime victims case," and fashion a reasonable procedure to afford rights to the victims without unduly complicating or prolonging the upcoming sentencing proceedings. The Court finds that the applicant has offered sufficient evidence to establish the impracticality of granting the victims all of the rights described in Title 18, United States Code, Section 3771(a). In addition, the Court finds that the applicant has suggested an alternative procedure suitable to satisfy the

Government's obligation under Title 18, United States Code, Section 3771 to effectuate the victims' rights to the greatest practicable extent.

IT IS ORDERED, pursuant to Title 18, United States Code, Section 3771(d)(2), that this matter is a "multiple crime victim case" and it would be impractical to afford crime victims with all of the rights described in Title 18, United States Code, Section 3771(a). The Court authorizes the procedures recommended by the Government as an appropriate alternative procedure to effectuate the victims' rights to the greatest practicable extent.

(1) The victims of the healthcare fraud charges shall be notified by a letter substantially similar to the letter provided in Exhibit 1;

(2) The victims involved in the mail and wire fraud charges shall be notified of the sentencing proceedings by mail in a format substantially similar to the letter provided by the Government in Exhibit 2;

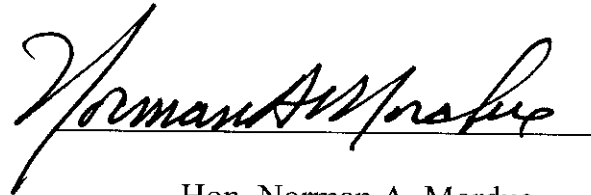
(3) Victims of all charges shall be permitted to participate in the sentencing proceeding by mail or e-mail to the United States Attorney's Office, which shall be forwarded to the Court.

IT IS FURTHER ORDERED that, should the Court find the defendant is responsible for any restitution to the donors regarding the mail and wire fraud charges, as an alternative to restitution to the individual donors, all funds shall be transferred to the New York State Charities Bureau, as successor to Help the Needy and Help the Needy Endowment Inc., with the direction that funds be distributed in a manner substantially

similar to the original intent of the donors, specifically through a recognized charity to aid needy people in Iraq.

Dated: July 5, 2005

Syracuse, New York

A handwritten signature in black ink, reading "Norman A. Mordue", written over a horizontal line.

Hon. Norman A. Mordue
United States District Judge



U.S. Department of Justice
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June 14, 2005

EXHIBIT 1

HEALTHCARE FRAUD VICTIMS

RE: Defendant: RAFIL DHAFIR

Dear XXXXX:

On February 10, 2005 Rafil Dhafir, M.D. was convicted of executing a scheme to defraud Medicare by submitting claims to Medicare for services provided by his staff while he was not present in the office. You have been identified as a potential victim because you may have received treatment from Dr. Dhafir's staff while he was not present in the office and you may have paid for that portion of Dr. Dhafir's bill that was not paid by Medicare.

Pursuant to federal law, you are entitled to be notified of the court proceedings relating to the criminal litigation of this case. This letter is to inform you of the following: The Department of Justice and the United States Attorney's Office for the Northern District of New York believes that it is important for each crime victim to know his or her rights and to be familiar with how the Federal Judicial System works. Our Office has a Victim Witness Unit dedicated to providing you with information about the above-mentioned case and addressing any questions and concerns you may have as a victim of this crime.

USAO Number: 1999R00308, Court Docket Number: 04-CR-64

The defendant, RAFIL A. DHAFIR is scheduled to be sentenced by the court on July 6, 2005. You are welcome to attend this proceeding though your attendance is not required by the court. If you plan on attending, please check with the VNS Call Center described below to verify the sentencing date and time. You may call this Office the day before the scheduled hearing for the most current information on the date/time of this event.

As a victim of crime, you have the right to restitution. If you received chemotherapy or growth factor from Dr. Dhafir's staff while he was out of the office and MEDICARE did not pay the entire bill, you can make a claim for restitution for the losses you incurred. Please understand that the overcharge will not necessarily be 100% of your co-pay, but may only be 15% of the co-pay, depending on when the services were rendered. If you have further questions regarding a claim for restitution, or submitting a Victim Impact Statement, please email Victim Witness Coordinator, Rachel Seeber, at Rachel.E.Seeber@usdoj.gov.

Due to the large number of victims in this case, please allow a minimum of one week response time to all inquiries made by phone or email to the office. The Victim Witness Unit will make every effort to respond in a timely manner to all questions and concerns. **Please note: The use of email communication is preferred if available.**

Also, due to the large number of victims in this case, it is imperative that you RESPOND to our office if you desire to continue to receive *written* notification. If you have access to email, we will send future notification via email. If you do not have email access, we can continue to send written notification upon your request. In your response, please confirm your name, address, phone number, and email address, so we can be sure to have updated contact information in our database. (You must keep our office updated of any change in contact information if you desire continued notification.) If we do not receive a response, you will not receive any further written notification, but can access updated case information by calling the VNS Inbound Call Center and entering your PIN and ID for case updates.

Should you need any further assistance please do not hesitate to contact our Victim Witness Coordinator, Rachel Seeber, at (518) 431-0247. It is also important that if you would like to attend any court proceedings, that you call our Victim Witness Unit to confirm the time, date and location of that proceeding. By providing our V/W Unit with your intent to attend any public court proceeding, it will give our office an opportunity to provide you with additional information and support. Thank you for your continued cooperation in the successful prosecution of this matter.

The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may use your Victim Identification Number (VIN), "xxxx", and Personal Identification Number (PIN), "xxxx", which has been assigned to you to telephone the VNS Call Center (1-866-DOJ-4YOU*) or (1-866-365-4968*), TDD/TTY users call 1-866-228-4619, and obtain the current status of the case. In addition, you may call the toll-free number and speak with an operator to update your contact information and/or change your decision about participation in the notification program. If you have other questions which involve this matter, please contact the office listed above.

Sincerely,

Glenn T. Suddaby
U.S. Attorney

Rachel Seeber
Victim Witness Coordinator

*For international callers, 1-502-213-2767.



U.S. Department of Justice
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June 10, 2005

EXHIBIT 2

MAIL/WIRE FRAUD VICTIMS
from Donor Victim Spreadsheet

RE: . Defendant: RAFIL A. DHAFIR (Help the Needy and Help the Needy Endowment Inc.)

Dear XXXXX :

Pursuant to federal law, as an individual or organization identified as a victim in a federal criminal prosecution, you are entitled to be notified of the court proceedings relating to the criminal litigation of this case. This letter is to inform you of the following: The Department of Justice and the United States Attorney's Office for the Northern District of New York believes that it is important for each crime victim to know his or her rights and to be familiar with how the Federal Judicial System works. Our Office has a Victim Witness Unit dedicated to providing you with information about the above-mentioned case and addressing any questions and concerns you may have as a victim of this crime.

USAO Number: 1999R00308, Court Docket Number: 04-CR-64

The defendant, RAFIL A. DHAFIR is scheduled to be sentenced by the court on August 29, 2005. You are welcome to attend this proceeding though your attendance is not required by the court. If you plan on attending, please check with the VNS Call Center described below to verify the sentencing date and time. You may call this Office the day before the scheduled hearing for the most current information on the date/time of this event.

We apologize if this is the first notice you are receiving regarding the fraudulent use donations to Help the Needy and Help the Needy Endowment Inc. On February 10, 2005, a jury found Rafil Dhafir guilty of, among other things, defrauding Help the Needy, Help the Needy Endowment Inc. and their donors of money contributed to aid the needy in Iraq. In short, the jury found that donations that were earmarked to assist needy individuals in Iraq were spent by Rafil Dhafir on other projects, both in Iraq and elsewhere, including certain commercial real estate investments in Syracuse NY, a grocery store in Lackawanna NY, and an investment company in Saudi Arabia (which partnered with a private corporation owned by Rafil Dhafir in Fayetteville NY). Because the number of individuals and organizations identified as victims of this offense and of a Medicare fraud offense of which Rafil Dhafir was also convicted number over 1000, it will not be possible for you to address the Court at the time of sentencing. You may, however, write to this Office, either by mail or by email, to make any statement you may wish concerning the upcoming sentencing. The Government will forward any such correspondence to the Court.

In connection with the prosecution of this case, the Government obtained an order from the court freezing the assets of Help the Needy and Help the Needy Endowment, Inc., which included several hundred thousand dollars that were on deposit in banks in the Syracuse area in the name of those organizations. Because neither Help the Needy nor Help the Needy Endowment Inc. was a registered charity, (Help the Needy was not even a corporation), the Charities Bureau of the Attorney General's Office of the State of New York filed a suit in state court to manage the affairs of the two organizations, and has taken a default judgment in that matter. In June, 2005, the United States Attorney's Office obtained an order from the District Court directing that the money on deposit in banks in the Syracuse area be sent to the Restitution Fund of the New York State Attorney General's Office. The New York State Charities Bureau, which administers the fund, will send the money through a recognized charity (such as the Federation of the Red Cross and Red Crescent) to aid the needy in Iraq. In this way, the Government has attempted to fulfill the

covenant of charity that was chosen by Help the Needy's donors.

In connection with the sentencing, the Government is seeking additional restitution to Help the Needy and Help the Needy Endowment Inc. from Rafil Dhafir in the amount of \$504,998. That money will augment the money that was recently released from the local accounts to the Restitution Fund. At the time of Rafil Dhafir's sentencing, the Court will direct that any such restitution owed to Help the Needy and Help the Needy Endowment Inc. and to its donors by Rafil Dhafir shall be directed to aid the needy children of Iraq, rather than being returned to the victim/donors. In many cases, donors like yourself will be hard to locate, and in many instances, the pro-rated amount that will be available to any donor will be too small to return.

Moreover, because neither Help the Needy nor Help the Needy Endowment Inc. was a charity recognized as tax-exempt by the Internal Revenue Service, deductions taken for contributions, even deductions taken in good faith, are not lawful. (Statements made by Rafil Dhafir and Help the Needy that the organizations were tax-exempt were false, and were the basis of Rafil Dhafir's conviction on several tax related charges.) Therefore, any restitution paid to any donor would be required to be reported as income if the deduction had been taken on the donor's income tax. In order to avoid that administrative morass, and in order to fulfill the purposes to which the donors believed their money would be dedicated, the Government intends to take any restitution owed to Help the Needy, Help the Needy Endowment, Inc. or to the donors, and to release them to the Charities Bureau. Again, the Charities Bureau will direct the money to help needy people in Iraq.

Please feel free to visit our District's website at www.usdoj.gov/usao/nyn/ for more information on your rights as a crime victim and ways that we may be able to assist you. In conjunction with our website, our Victim Witness Unit can provide you with support, information and resources that can effectively meet your needs. Some victims may need help in coping with the impact of victimization. There are many victim service providers in your local area that can assist you as well. If you would like specific information about services available to you in your community, please don't hesitate to call our Victim Witness Unit for more information.

Should you need any further assistance please do not hesitate to contact our Victim Witness Coordinator, Rachel Seeber, at (518) 431-0247.

It is also important that if you plan to attend any court proceedings, that you call our Victim Witness Unit to confirm the time, date and location of that proceeding. By providing our V/W Unit with your intent to attend any public court proceeding, it will give our office an opportunity to provide you with additional information and support. In addition, if you would like to confer with the attorney in this case regarding any court proceedings, it is imperative that you call, e-mail or write us with your questions or concerns.

Thank you for your continued cooperation in this matter. The Victim Notification System (VNS) is designed to provide you with information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at WWW.Notify.USDOJ.GOV or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. You will need the following Victim Identification Number (VIN) "xxxxx" and Personal Identification Number (PIN) "xxxx" anytime you contact the Call Center and the first time you log on to VNS on the Internet. If you have other questions which involve this matter, please contact the office listed above.

Sincerely,

Glenn T. Suddaby
United States Attorney

Rachel Seeber
Victim Witness Coordinator